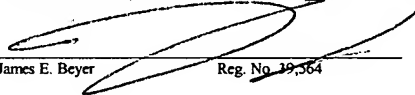


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : James E. Toney  
Serial No. : 10/658,122  
Filed : September 9, 2003  
Title : WAVELENGTH SEPARATION DEVICES INCORPORATING  
MULTI-BARRIER PHOTONIC HETEROSTRUCTURES  
Docket : BAT 0089 PA/40078.245  
Art Unit : N/A

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James E. Beyer Reg. No. 39,364

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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UNDER 37 CFR §§ 1.56, 1.97, AND 1.98


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This Information Disclosure Statement is being filed within the period set forth in 37 CFR §1.97(b) because it is filed within three months of the filing date of a national application or within three months of the date of entry of the national stage as set forth in 37 CFR §1.491 in an international application.

Serial No. 10/658,122  
Docket No. BAT 0089 PA/40078.245

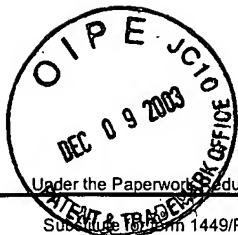
The Office has waived the requirement pursuant to 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. Therefore, no copies of each cited U.S. patent and each cited U.S. patent application publication are enclosed, but the cited U.S. patents and the cited U.S. patent application publications are listed on PTO/SB/08A.

Respectfully submitted,  
DINSMORE & SHOHL LLP

By   
\_\_\_\_\_  
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Application Number	10/658,122
Filing Date	September 9, 2003
First Named Inventor	James E. Toney
Art Unit	
Examiner Name	
Attorney Docket Number	BAT 0089 PA/40078.245

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,335,240	08/02/1994	Ho et al.	
		US- 5,406,573	04/11/1995	Ozbay et al.	
		US- 5,440,421	08/08/1995	Fan et al.	
		US- 5,600,483	02/04/1997	Fan et al.	
		US- 5,740,287	04/14/1998	Scalora et al.	
		US- 5,784,400	07/21/1998	Joannopoulos et al.	
		US- 5,973,823	10/26/1999	Koops et al.	
		US- 5,998,298	12/07/1999	Fleming et al.	
		US- 6,042,998	03/28/2000	Brueck et al.	
		US- 6,058,127	05/02/2000	Joannopoulos et al.	
		US- 6,075,640	06/13/2000	Nelson	
		US- 6,101,300	08/08/2000	Fan et al.	
		US- 6,134,043	10/17/2000	Johnson et al.	
		US- 2001/0019565 A1	09/06/2001	Iwasaki et al.	
		US- 2002/0009277 A1	01/24/2002	Noda et al.	
		US- 6,388,795	05/14/2002	Fleming et al.	
		US- 6,392,787	05/21/2002	Cirelli et al.	
		US- 6,396,617	05/28/2002	Scalora	
		US- 6,448,997	09/10/2002	Koide	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 02/44672 A2	06/06/2002	Frick		

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Sheet

2

of

3

**Complete if Known**

Application Number	10/658.122
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Filing Date	September 9, 2003
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First Named Inventor	James E. Toney
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**Art Unit**

Examiner Name \_\_\_\_\_

Attorney Docket Number	BAT 0089 PA/40078.245
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## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

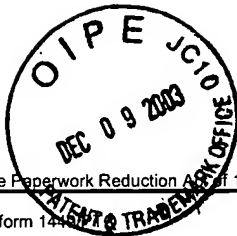
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Applicati n Number	10/658,122
Filing Date	September 9, 2003
First Named Inventor	James E. Toney
Art Unit	
Examiner Name	
Attorney Docket Number	BAT 0089 PA/40078.245

Sheet 3 of 3

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		SATO et al.; 3-D Photonic-Crystal Heterostructures: Fabrication and In-Line Resonator; IEEE Photonics Technology Letters; June 2003; pgs. 816 - 818; Vol. 15, No. 6.	
		JOHN et al.; Photonic Band Gap Materials: A Semiconductor for Light; pgs. 1- 23.	
		FAN et al.; Channel Drop Filters in Photonic Crystals; Optics Express; July 1998; pgs. 4 - 11; Vol. 3, No. 1.	

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